

1201 – Child Placement Services

II. THE OUT OF HOME FAMILY SERVICES AGREEMENT

The DSS-5240 Out of Home Family Services Agreement (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5240.pdf>) shall guide all of the agency's work in providing child placement services at all stages of a placement case. The Out of Home Family Services Agreement completed using System of Care and Multiple Response principles involves the child and family during planning and recognizes that each family has strengths and is unique in its own way. System of Care and Multiple Response tells us that services to the family should be collaborative and community based. The value of the Out of Home Family Services Agreement cannot be overemphasized. This instrument serves as the framework upon which the agency's work with the family and child is based, and drives the agency's work with the family from intake through case closure and aftercare services. Far from "just another piece of paperwork," the information contained in a well-prepared Out of Home Family Services Agreement:

- assures attention to critical needs in the family;
- guides overall planning and service delivery for families and children;
- provides structure for the involvement of all parents and relatives;
- documents objectives that parents must meet for reunification and documents behaviorally specific activities necessary to meet objectives;
- assigns responsibility for activities;
- documents the level of progress of the family toward reunification;
- meets the requirements of Federal and State law;
- provides documentation necessary to draw Federal IV-E funding for agency staff;
- provides documentation for the Court; and
- documents reasonable efforts by the agency, in preparation for termination of parental rights.

Good case planning, using the Out of Home Family Services Agreement, focuses on the problems which caused agency intervention and establishes goals directed toward achieving safety and permanence for the child within a 12 month period. County Departments of Social Services are repeatedly called upon to make decisions which have the potential of life-changing impact on children. These decisions should be made jointly with the family, other agencies serving the family and other community supports. Shared decision making results in a better understanding of the child and family's needs and a more relevant case plan.

The Out of Home Family Services Agreement reflects both the strengths and needs of the child and family identified in the Family Assessment of Strengths and Needs and the Family Reunification Assessment. The Out of Home Family Services Agreement documents what must change in order for the parents to meet the needs of the child. Basic goal planning steps include:

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- involving the entire family in the process;
- identifying goals that are both realistic and achievable;
- using family strengths when outlining objectives and activities to attain the goals;
- spelling out the steps necessary for success;
- documenting who will do what and when they will do it; and
- providing for review.

Clear, relevant Out of Home Family Services Agreements identify the desired changes and provide documentation of the changes that have or have not occurred. The purpose of the Out of Home Family Services Agreement planning process is:

- to clarify with the family the reasons for local child welfare agency involvement;
- to focus on the safety and permanency needs of the child;
- to identify resources within the entire family that will help the child achieve a safe, permanent home;
- to involve the family in identifying areas that need improvement;
- to clarify expectations for behavioral change with all persons involved; and
- to acknowledge the family's strengths and commitment to their child.

The agreement must address the services to be provided or arranged, the visitation plan designed to maintain links with the family, expectations of the family, agency, placement provider and community members, target dates, and expected outcomes. The agency is responsible for making *reasonable efforts* to reunify a child and his/her family if removal has been necessary. N.C.G.S. 7B-101

(http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-101.html) defines reasonable efforts as "the diligent use of preventive or reunification services when a juvenile's remaining in the home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time." The law defines a safe home as "a home in which children are not at substantial risk of abuse or neglect." Please refer to DSS-5240ins (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5240ins.pdf>) for instructions.

Out of Home Family Services Agreements are only valuable if they are current and relevant. Time frames for reviews are the **maximum** period of time between reviews. If major changes occur that effect the objectives or activities, a review should be scheduled and the plan updated as soon as possible. Documentation shall include the progress or lack of progress in meeting stated objectives and in accomplishing planned activities.

A. Overview of the Family Services Agreement Forms

1. N. C. Case Decision Summary / Initial Case Plan

The NC Case Decision Summary / Initial Case Plan shall be completed for all children at the time a case decision is made to substantiate abuse, neglect or dependency, or results in the finding of services needed. Refer to form DSS-5228 (<http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5228-ia.pdf>) for

instructions. The NC Case Decision Summary / Initial Case Plan documents the rationale for the overall risk level; the critical needs within the family that caused agency involvement; and the immediate objectives and activities that the agency will arrange with the family to address these needs and to ensure the safety of the child, if the child remains in the home.

The initial plan is effective until the Out of Home Family Services Agreement is completed jointly with the family (a maximum of 30 days). For children who remain in the home with services, the Out of Home Family Services Agreement, along with the Family Risk Assessment tools (DSS-5230, DSS-5226) provides the required documentation for claiming federal Title IV-E reimbursement for eligible preplacement services on the basis that, without effective preventive services, the child is at risk of being placed in foster care. The N. C. Case Decision Summary / Initial Case Plan does not require the signature of the family. As soon as the Out of Home Family Services Agreement is completed jointly with the family, it shall replace the Initial Case Plan.

2. The Out of Home Family Services Agreement

An Out of Home Family Services Agreement is implemented for all families when the child is placed in the custody of a local child welfare agency, whether or not the child is removed from the home. This agreement is used to define the primary permanency plan, identify the family's strengths and needs, set objectives and case activities to assist the family in resolving those issues that place the child at risk, specify consequences if the plan does or does not succeed, and to establish the alternative permanency plan if the primary plan does not succeed.

For children in the legal custody of the agency, the Out of Home Services Agreement shall:

- be completed within 30 days of removal of the child from the home;
- track with required scheduled Permanency Planning Action Team meetings (for the 1st Permanency Planning Action Team meeting, the Out of Home Service Agreement will only be reviewed unless a change is warranted.);
- be developed in consultation with any youth who has attained the age of 14 years or older, and, at the option of the youth, with no more than two members selected by the youth, who are not a foster parent, of or social worker for the child. If the agency has good cause to believe that a member selected by the youth would not act in the best interests of the child, it may reject said member. One of the individuals selected by the youth may designated to be the youth's advisor and as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the youth.

If an Agreement is not completed within 30 days, documentation shall reflect diligent efforts made or the rationale for extra time to develop the plan. If an

Agreement is not updated, documentation shall reflect diligent efforts to engage the family, or the rationale for continuing the previous plan.

An Out of Home Family Services Agreement shall be developed within 30 days of the court's decision to change the plan from reunification and shall be used until a permanent plan is achieved. The Agreement shall be updated at least every 6 months or when circumstances change. The development of the Service Agreement documents the implementation of the concurrent plan. If the plan is not updated, documentation shall reflect the rationale for continuing the current plan.

3. Visitation Plan

Within one week of placement, a DSS-5242 Visitation Plan (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5242-ia.pdf>) for the parents to visit their children shall be jointly developed with the child's parents and placed in the record. A signed Visitation Plan shall be current at all times. If the visitation plan is not signed there shall be documentation as to why it is not signed. Whenever circumstances warrant a change in visitation, a new Visitation Plan will be developed with the parents within 7 days. There will not be any unsupervised visitation unless approved by the court.

4. Permanency Planning Action Team

The first Permanency Planning Action Team review shall take place within 60 days of the child coming into agency custody or placement responsibility. The second review shall occur within 90 days of the first review, but no more than 150 days of the child coming into agency custody or placement responsibility. Subsequent reviews shall occur at least every six months thereafter. The team activities shall be documented on the Family Services Agreement Review.

5. Transitional Living Plan

A Transitional Living Plan is specifically designed with youth ages 14 to 17 who are in the custody of the DSS. The Transitional Living Plan shall be developed no more than 30 days following the youth's 14th birthday and shall be updated at least every six months. This plan is jointly developed between the agency, youth, placement provider, youth supporters and others who are involved with the youth. It is based on the life skills assessment and directly targets those areas that need to be addressed before the youth becomes an adult. The Transitional Living Plan does not replace any other part of the case plan. It is required by Federal law as well as state policy. For more information on the Transitional Living Plan, refer to 1201 – Child Placement Services, Adolescent Services: NC LINKS (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/CSs1201c7.pdf>).

6. Plan for Emancipation from Foster Care Custody

Fostering Connections Act of 2008 requires that within 90 days prior to a youth aging out of foster care custody at age 18, the agency shall develop a plan with the youth to discuss his or her plans for emancipation from agency custody. As with any services for youth, the plan should be personalized at the direction of the youth, be as detailed as he or she chooses, and include specific options regarding how to access housing, health insurance, education, local opportunities for mentoring services and continuing services, sexual health, services and resources to ensure the youth is informed and prepared to make healthy living decisions about their lives.

To this end, the DSS-5315 Plan for Emancipation from Foster Care Custody (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5315-ia.pdf>) shall be developed with the youth that includes the required elements mandated by federal law. While the Transitional Living Plan is developed to address independent living needs of the youth while in care, the Emancipation Plan is considered an extension of the Transition Plan as it provides details and resources for the youth after he or she exits care. Additionally, the Emancipation Plan provides the youth with a portable document regarding resources they may need when they are out of care as well as to gain information from the youth regarding their plans and contact information. See 1201 – Child Placement Services; VII. Adolescent Services: NC LINKS, F. Youth Involvement in Planning for Services; 3. Emancipation Plan (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/CSs1201c7.pdf>) for further details.

7. When to Complete the Family Assessment of Strengths and Needs

For Legal Custody, when the child remains in the home:

- shall track with the required scheduled Permanency Planning Action Team meetings;
- within 30 days prior to any court hearing or review. (If reviews are held frequently, documentation on the Family Assessment of Strengths and Needs form may state that there have been no changes since the last update and that the current information is correct.)

For Legal Custody, when the child is placed in out-of-home care and reunification is the plan:

- shall track with the required scheduled Permanency Planning Action Team meetings;
- within 30 days prior to any court hearing or review. (If reviews are held frequently, documentation on the Family Assessment of Strengths and Needs

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form may state that there have been no changes since the last update and that the current information is correct.)

The DSS-5229 Family Assessment of Strengths and Needs (<http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5229-ia.pdf>) shall be completed when the agency has legal custody and the child has been placed back in the home for a trial home visit and a Permanency Planning Action Team meeting falls within that trial home visit period.

A Family Assessment of Strengths and Needs should be completed with each parent that wants to be involved in the child's life. This includes completing the Family Assessment of Strengths and Needs with a parent that has had limited contact/involvement with their child. Their needs should be addressed within the Out-of-Home Family Services Agreement either on the same one or on a separate agreement. If a parent expresses that they do not wish to be involved in the planning of their child, it is important to ask what it would take for them to become involved. Documentation should reflect the discussion with the parent.

8. The Family Reunification Assessment

The DSS-5227 Family Reunification Assessment (<http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5227-ia.pdf>) shall be completed when the agency holds legal custody and at least one child is in placement with a goal of returning home (reunification). It shall be completed at the following intervals:

- shall track with the required scheduled Permanency Planning Action Team meetings;
- prior to any trial visit;
- prior to any time the child is being considered for a return home;
- within 30 days prior to any court hearing or review. (If reviews are held frequently, documentation on the Family Reunification Assessment form may state that there have been no changes since the last update and that the current information is correct.)

The Family Reunification Assessment consists of the Family Risk Reassessment, Visitation Plan Evaluation, Reunification Safety Assessment and the Recommendation Summary. Refer to DSS-5227 (<http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5227-ia.pdf>) for instructions on completion of the form.

When the court has determined that reunification is no longer the plan, the Family Reunification Assessment forms are no longer required.

9. The Child Health Summary Components

The DSS-5243 Child Health Status Component (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5243.pdf>) documents current, critical health information about the child. It is maintained in the record and a copy shall be provided to each placement provider that cares for the child. The health component shall be completed within seven days of a child's initial placement and subsequent placements and updated at least every 6 months or when circumstances change and is designed to coincide with updates of the Out of Home Family Services Agreement. Documentation shall reflect dates the revisions were made and the information was given to the placement providers. The third page of the Health Status Component is a recommended Child Physical Examination form to be completed by physicians each time the child is seen. Social workers should maintain these completed forms in the child's record and provide copies to the placement providers and each new physician serving the child.

Note: Whenever possible, the foster child's connections and relationships with health care professionals should be maintained. This is especially true if the child has a previously established medical home. If the child comes into care without these connections, a medical home for the child should be established and maintained.

Copies of health records should be given to the parent/custodian when permanency is achieved. If the child ages out of foster care at age 18 or otherwise emancipates from custody, the agency shall provide copies of his/her health records at the point of discharge.

10. The Child Education Status Component

The DSS-5245 Child Education Status Component (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5245-ia.pdf>) documents current education information about the child. It is maintained in the record and a copy shall be provided to each placement provider that cares for the child. The education component shall be completed for all children grades K-12 within seven days of a child's initial placement and subsequent placements and updated at least every 6 months or when circumstances change and is designed to coincide with updates of the Out of Home Family Services Agreement. Documentation shall reflect dates the revisions were made and the information was given to the placement providers. Copies of school records should be given to the parent/custodian when permanency is achieved. If the child ages out of foster care at age 18 or otherwise emancipates from custody, the agency shall provide copies of his/her school records at the point of discharge.

See DSS-5240ins (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5240ins.pdf>) for instructions for completing the Out of Home Family Services Agreement.

B. Risk Assessment and the Planning Process

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Risk assessment is an ongoing process that starts at the time a case is accepted for a CPS assessment and continues until case closure. The Family Risk Reassessment, Family Assessment of Strength and Needs and Family Reunification Assessment Summaries help social workers define service needs of the family and form the basis for the Family Services Agreement. Refer to DSS-5226 (<http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5226-ia.pdf>), DSS-5227 (<http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5227-ia.pdf>), and DSS-5229 (<http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5229-ia.pdf>) for instructions.

The Family Assessment of Strengths and Needs and Family Reunification Assessment are linked to the Out of Home Family Services Agreements in much the same way as your physical examination is linked to your prescriptions, referrals to specialists and schedule of appointments. You expect your physician to conduct a series of tests, to ask you questions and to evaluate the results of your examination before making recommendations for treatment. You expect your treatment to be directly related to that assessment. If some of your test results are missing, the chances are that your treatment will not be entirely appropriate to your needs.

System of Care and Multiple Response shows us that when a social worker is engaged with the family and community in an assessment of risk to the child, he/she is not only determining the needs and strengths of the child and family, but at the same time is planning for intervention strategies that specifically address the needs.

C. Collaboration in Developing Out of Home Family Services Agreements

The social worker is responsible for immediately engaging the family, both maternal and paternal, in the planning process, which is focused on correcting the conditions that caused the County Department of Social Services to be involved in the family. Whether or not the child enters custody or placement responsibility, the planning process shall involve the family and children (appropriate to their age and ability) and placement providers.

Even if a parent is incarcerated, they should be contacted to determine if they can assist in identifying any strengths or needs of the family, receive their input on the Out-of-Home Family Services Agreement, find if there are any possible relatives that may be a resource in supporting the child, and determine what level of involvement they can maintain particularly around contact with their child. To locate a parent that is in prison, contact the NC Department of Corrections Records Office at 919-716-3200. Contact numbers and addresses for specific prisons can be found on the NC Division of Prisons website <http://www.doc.state.nc.us/dop/index.htm>. A public tool for searching offenders online is available at <https://www.ncdps.gov/index2.cfm?a=000003,002391,002934>. All inmates have a case manager or social worker that can assist in contacting a prisoner.

If a parent has expressed a desire not to be involved in the child's life, has never had any involvement in the child's life, or who refuses any contact with the child, it is important to engage that parent to see if there are any possible relatives that may be

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a resource in supporting the child. The Child and Family Team during the planning process work to assure maximum involvement of family resources and necessary supplemental services.